

## Message Text

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ACTION ACDA-19

INFO OCT-01 EUR-25 EA-11 IO-13 ADP-00 AEC-11 AF-10 ARA-16

CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03 NASA-04 NEA-10

NSAE-00 NSC-10 OIC-04 PA-03 PRS-01 RSC-01 SCI-06

SS-15 MBFR-03 USIA-15 SAJ-01 RSR-01 /203 W

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R 151830Z AUG 73

FM USMISSION GENEVA

TO SECSTATE WASHDC 1206

INFO AMEMBASSY TOKYO

USMISSION USUN NY

USMISSION NATO

AMEMBASSY LONDON

C O N F I D E N T I A L SECTION 1 OF 2 GENEVA 4382

DISTO

E.O. 11652: GDS

TAGS: PARM, JA

SUBJECT: CCD: JAPANESE WORKING PAPER CONTAINING CW TREATY  
OUTLINE

REF: GENEVA 4383

TEXT OF JAPANESE DRAFT "WORKING PAPER ON THE MAIN POINTS  
OF AN INTERNATIONAL AGREEMENT ON THE PROHIBITION OF  
THE DEVELOPMENT, PRODUCTION AND STOCKPILING OF  
CHEMICAL WEAPONS AND THEIR DESTRUCTION", WHICH WAS  
GIVEN TO US DEL BY JAPANESE DEL ON AUG 15 (SEE SEPTTEL  
FOR REPORT), FOLLOWS:

BEGIN TEXT. IN HIS STATEMENT ON MARCH 22 (CCD/PV.594)  
AND JUNE 26 (CCD/607), THE JAPANESE REPRESENTATIVE  
AMBASSADOR NISIBORI SUGGESTED THAT A GRADUAL APPROACH  
BE ADOPTED IN A PRACTICAL AS WELL AS REALISTIC MANNER  
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IN ORDER TO FACILITATE AN EARLY SETTLEMENT OF THE QUESTION OF

BANNING CHEMICAL WEAPONS.

USING THIS AS A SBAIS AND WITH A VIEW TO FACILITATING THE SETTLEMENT OF THIS QUESTION IN A CONCRETE MANNER, THE JAPANESE DELEGATION PRESENTS THIS WORKING PAPER WHICH INCLUDES SUGGESTIONS ON AN INTERNATIONAL AGREEMENT EMBODYING A TREATY AND ITS SUPPLEMENTARY DOCUMENT.

THE WORKING PAPER CONTAINS: I. GENERAL ITEMS, II. SCOPE OF PROHIBITION, III. VERIFICATION.

I. GENERAL ITEMS.

1. THE INTERNATIONAL AGREEMENT ON BANNING CHEMICAL WEAPONS WOULD INCORPORATE: (A) A TREATY WHICH PRESCRIBES A COMPREHENSIVE BAN; AND (B) A SUPPLEMENTARY DOCUMENT DEFINING THE SCOPE OF THE FOREGOING TREATY.

THE SUPPLEMENTARY DOCUMENT WOULD BE REGARDED AS AN INSEPARABLE PART OF THE TREATY. THE PROCEDURES ALLOWING FOR AMENDMENTS TO THE SUPPLEMENTARY DOCUMENT WOULD BE SIMPLIFIED ONES AND WOULD BE INCLUDED IN THE TREATY.

2. WHILE THE MATTERS WHICH SHOULD BE PROHIBITED IN THE INTERNATIONAL AGREEMENTS COVER (A) ACTIVITIES (DEVELOPMENT, PRODUCTION, STOCK-PILING, TRANSFER, ETC.), (B) CHEMICAL AGENTS, AND (C) WEAPONS, EQUIPMENT AND MEANS OF DELIVERY, JAPAN CONSIDERS IT APPROPRIATE TO START TEMPORARILY WITH A PARTIAL BAN ON (A) ACTIVITIES AND (B) CHEMICAL AGENTS.

3. IN DRAFTING THE INTERNATIONAL AGREEMENT, THE FOLLOWING FORMULAE MAY BE CONSIDERED:  
(1) THE TREATY WOULD PRESCRIBE IN A COMPREHENSIVE MANNER THE MATTERS (ENUMERATED IN (A), (B) AND (C) ABOVE) TO BE PROHIBITED, AND THE SUPPLEMENTARY DOCUMENT WOULD PRESCRIBE THE MATTERS (A PART OF (A) AND CONFIDENTIAL

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(B)) TO BE EXCLUDED TEMPORARILY FROM THE COMPREHENSIVE BAN;

(2) THE TREATY WOULD PRESCRIBE IN A COMPREHENSIVE MANNER THE MATTERS (ENUMERATED IN (A), (B) AND (C) ABOVE) TO BE PROHIBITED, AND THE SUPPLEMENTARY DOCUMENT WOULD PRESCRIBE THE MATTERS (SPECIFIED AMONG THOSE MENTIONED IN (A) AND (B) ABOVE) TO BE

PROHIBITED IMMEDIATELY.

4. IN ADOPTING EITHER OF THE FOREGOING FORMULAE OF THE TREATY PRESCRIBING A COMPREHENSIVE BAN ( (1) AND (2) ), JAPAN CONSIDERS IT APPROPRIATE TO PLACE A BAN IN THE TREATY ON:  
(A) DEVELOPING, PRODUCING, STOCKPILING OR OTHERWISE ACQUIRING OR RETAINING OF; AND  
(B) TRANSFER AND ASSISTANCE, ENCOURAGEMENT, OR INDUCEMENT IN MANUFACTURING OR ACQUIRING OF; CHEMICAL AGENTS AND WEAPONS, EQUIPMENT OR MEANS OF DELIVERY DESIGNED TO USE SUCH AGENTS.

5. IS 3.(1) (LISTING IN THE SUPPLEMENTARY DOCUMENT MATTERS TO BE EXCLUDED FROM A COMPREHENSIVE BAN) OR 3.(2) (LISTING IN THE SUPPLEMENTARY DOCUMENT MATTERS TO BE PROHIBITED IMMEDIATELY) IS ADOPTED; THE TREATY ON A COMPREHENSIVE BAN SHOULD INCLUDE A PROVISION WHICH WOULD CLARIFY RELATIONS BETWEEN THE PROVISIONS ON THE COMPREHENSIVE BAN AND THE SUPPLEMENTARY DOCUMENT. ON MATTERS WHICH HAVE BEEN EXCLUDED TEMPORARILY FROM A COMPREHENSIVE BAN, THE TREATY SHOULD INCLUDE A PROVISION BY WHICH STATES PARTIES TO THE TREATY UNDERTAKE TO CONTINUE NEGOTIATIONS IN GOOD FAITH IN ORDER TO AGREE AT THE EARLIEST DATE ON CONCRETE MEASURES FOR REALIZING A COMPREHENSIVE BAN.

6. THE TREATY WOULD CONTAIN A PROVISION THAT EACH STATE PARTY TO THE TREATY UNDERTAKES TO CONDUCT NATIONAL VERIFICATION PROBES WHICH BY NATURE ARE AUTONOMOUS, AND ALSO ANOTHER PROVISION UNDER WHICH INTERNATIONAL VERIFICATION WOULD BE CONDUCTED, FOR THE PURPOSE OF  
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ENSURING THE FULFILLMENT OF THE OBLIGATION ASSUMED UNDER THE TREATY. DETAILS PERTAINING TO NATIONAL AND INTERNATIONAL MEANS OF VERIFICATION WOULD BE PROVIDED IN THE SUPPLEMENTARY DOCUMENT.

7. RELATIONS BETWEEN THE GENEVA PROTOCOL AND THE INTERNATIONAL AGREEMENT ON BANNING CHEMICAL WEAPONS, CONSULTATION AND COOPERATION AMONG THE STATES PARTIES, AND SUCH PROCEDURAL MATTERS AS ENTRY INTO FORCE AND DURATION OF THE TREATY WOULD BE DRAFTED IN CONFORMITY WITH THE CORRESPONDING PROVISIONS OF THE BW TREATY.

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INFO OCT-01 EUR-25 EA-11 IO-13 ADP-00 AEC-11 AF-10 ARA-16

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C O N F I D E N T I A L SECTION 2 OF 2 GENEVA 4382

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## II. SCOPE OF PROHIBITION

1. WHILE GENERAL PURPOSE CRITERIA (E.G. TYPES AND QUANTITIES THAT HAVE NO JUSTIFICATION FOR PROTECTIVE OR PEACEFUL PURPOSES) WOULD BE ADOPTED IN A COMPREHENSIVE BAN ON THE AGENTS; THE AGENTS WHICH FOR A PARTIAL BAN SHOULD BE PROHIBITED IMMEDIATELY AS MENTIONED IN I.2. WOULD BE PRESCRIBED IN THE SUPPLEMENTARY DOCUMENT UNDER OBJECTIVE CRITERIA (E.G. TOXIC CRITERIA, GENERAL STRUCTURAL FORMULAE, LISTING, ETC.).

2. GENERAL PURPOSE CRITERIA (E.G. FOR HOSTILE PURPOSES OR IN ARMED CONFLICT) WOULD BE ADOPTED IN A COMPREHENSIVE BAN ON THE WEAPONS, EQUIPMENT AND MEANS OF DELIVERY AS MENTIONED IN I.2. JAPAN CONSIDERS DEVELOPING, PRODUCING, OR OTHERWISE ACQUIRING OR RETAINING, AS THE ACTIVITIES WHICH SHOULD BE PROHIBITED IMMEDIATELY.

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3. THE SUPPLEMENTARY DOCUMENT WOULD CONTAIN AN ADDITIONAL PROVISION PRESCRIBING THAT THE TIME AND FORMULA FOR THE DESTRUCTION OR DIVERSION FOR PEACEFUL PURPOSES OF CHEMICAL AGENTS, WEAPONS, EQUIPMENT, MEANS OF DELIVERY, ETC., AS MENTIONED IN FOREGOING 1. AND 2. ARE TO BE SETTLED AT THE TIME OF THE AGREEMENT ON CONCRETE MEASURES FOR BANNING THEIR STOCKPILING.

### III. VERIFICATION

#### 1. NATIONAL VERIFICATION

NATIONAL VERIFICATION TO BE CONDUCTED BY EACH STATE PARTY TO THE TREATY WOULD BE PRIMARILY AUTONOMOUS, ITS PURPOSE BEING TO ENSURE THE FULFILLMENT OF THE TREATY. STUDY SHOULD BE MADE AS TO THE INCLUSION OF AN OBLIGATORY PROVISION IN THE TREATY WHICH WOULD OBLIGE EACH STATE PARTY TO COOPERATE WHEN NECESSARY WITH THE INTERNATIONAL VERIFICATION ORGANIZATION MENTIONED IN 2. BELOW INCLUDING REPORTING ON A REGULAR BASIS TO THE ORGANIZATION ON MATTERS DEEMED NECESSARY FOR THE PURPOSE OF ENSURING THE FULFILLMENT OF THE TREATY.

#### 2. INTERNATIONAL VERIFICATION

INTERNATIONAL VERIFICATION WOULD BE CONDUCTED BY AN INTERNATIONAL VERIFICATION ORGANIZATION (AN ORGAN OTHER THAN THE SECURITY COUNCIL IS DESIRABLE). ACTIVITIES OF THE ORGANIZATION WOULD INCLUDE CONSTANT AND OBJECTIVE SURVEILLANCE AND INQUIRY AS DEEMED NECESSARY.

THE SUPPLEMENTARY DOCUMENT WOULD HAVE AN ADDITIONAL PROVISION REGARDING THE COMPOSITION, ACTIVITIES, ETC. OF THE INTERNATIONAL VERIFICATION ORGANIZATION.

#### 3. REQUEST FOR EXPLANATION

BOTH THE INTERNATIONAL VERIFICATION ORGANIZATION AND STATES PARTY TO THE TREATY WOULD BE PERMITTED TO REQUEST AN EXPLANATION IN THE CASE OF SUSPECTED BREACH OF OBLIGATIONS DERIVING FROM THE TREATY. IT MIGHT BE EFFECTIVE

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FOR THE TREATY TO CONTAIN THE FOLLOWING PROVISIONS ON THE PROCEDURES FOR THIS PURPOSE:

(1) THE INTERNATIONAL VERIFICATION ORGANIZATION OR ANY STATE PARTY TO THE TREATY WHICH SUSPECTS THAT ANY

OTHER STATE PARTY IS ACTING IN BREACH OF OBLIGATIONS  
DERIVING FROM THE TREATY MAY REQUEST AN EXPLANATION FROM  
THE OTHER PARTY IN QUESTION.

(2) A STATE PARTY WHICH HAS NOT RECEIVED A SATISFACTORY  
EXPLANATION FROM THE OTHER STATE PARTY IN QUESTION THROUGH  
THE FOREGOING PROCEDURE (3.(1)) MAY REQUEST AN INQUIRY  
BY THE INTERNATIONAL VERIFICATION ORGANIZATION.

#### 4. INSPECTION

IT WOULD BE USEFUL FOR THE TREATY TO CONTAIN  
PROVISIONS ON THE FOLLOWING PROCEDURES ON  
INSPECTION TO BE CONDUCTED BY THE INTERNATIONAL VERIFICATION  
ORGANIZATION:

(1) A STATE PARTY WHICH HAS BEEN REQUIRED TO  
PROVIDE AN EXPLANATION IN ACCORDANCE WITH THE FOREGOING  
3.(1) MAY AT ANY TIME INVITE THE INTERNATIONAL VERIFICATION  
ORGANIZATION TO CONDUCT ON-SITE INSPECTION;

(2) THE INTERNATIONAL VERIFICATION ORGANIZATION MAY  
NOTIFY A STATE PARTY OF ITS INTENDED INSPECTION IN CASE;  
(A) THE ORGANIZATION FINDS THAT THE STATE PARTY HAS NOT  
PROVIDED A SATISFACTORY EXPLANATION AND THAT IT IS ACTING  
IN BREACH OF THE OBLIGATIONS DERIVING FROM THE TREATY OF  
(2) A REQUEST FOR INSPECTION IS FILED BY ANY OTHER STATE  
PARTY;

(3) ANY STATE PARTY WHICH IS NOTIFIED BY THE  
INTERNATIONAL VERIFICATION ORGANIZATION OF ITS INTENDED  
INSPECTION WOULD HAVE TO GIVE THE MOST SERIOUS CONSIDERATION  
TO COMPLYING WITH THE NOTIFICATION. END TEXT.

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## Message Attributes

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**Current Classification:** UNCLASSIFIED  
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**Draft Date:** 15 AUG 1973  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** golinofr  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
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**Page Count:** 6  
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**Previous Classification:** CONFIDENTIAL  
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**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** CCD: JAPANESE WORKING PAPER CONTAINING CW TREATY OUTLINE  
**TAGS:** PARM, JA  
**To:** STATE  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005